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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,556	05/23/2001	Daniel Checkoway	121167-0002 (B72759)	1755
20594	7590	08/24/2004	EXAMINER	
CHRISTOPHER J. ROURK AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P. P O BOX 688 DALLAS, TX 75313-0688			PHILLIPS, HASSAN A	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,556

Applicant(s)

CHECKOWAY ET AL.

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/27/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1) The Information Disclosure Statement (IDS) filed August 27, 2001, has been received and considered by the examiner.

Specification

1) The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

1) Claim 1 is objected to because of the following informalities: The language of claim 1 is unclear. More specifically, in line 4, it is determined whether a reply is authorized, where, in line 7, it appears that the authorization is conducted on the received e-mail message. The applicant should be clearer on how the authorization takes place. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) Claims 1-3, 8-10, 13, 15, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hussey, U.S. Patent 5,826,269.

3) In considering claim 1, Hussey teaches an e-mail access gateway system comprising:

a) An authorization system receiving an e-mail message and determining whether a reply to the e-mail message is authorized, a reply system receiving the e-mail message and generating a response message if a reply to the e-mail message is authorized, wherein, the response message is transmitted as a response e-mail message to the sender of the e-mail message, (col. 12, lines 1-11).

4) In considering claim 2, Hussey further teaches a reply composition system coupled to the reply system, the reply composition system receiving the e-mail message, extracting one or more query data fields, and assembling the response message from one or more response data fields that are selected in response to the one or more query data fields. See col. 3, lines 66-67, col. 4 lines 1-10.

5) In considering claim 3, Hussey further teaches an email system coupled to the reply system, the e-mail system providing one or more external e-mail messages to the reply system, and the reply system incorporating one or more fields from the one or more external e-mail messages into the response message. See col. 7, lines 23-37, and Fig. 2.

6) In considering claim 8, Hussey teaches a method for allowing a user to access data using e-mail comprising:

- a) Transmitting an e-mail message containing authorization data to a gateway system, (col. 8, lines 16-30);
- b) Receiving response data from the gateway system if the authorization data is correct, (col. 12, lines 1-11);
- c) Receiving a general message from the gateway system if the authorization data is incorrect, (col. 11, lines 63-67); and
- d) Wherein one of the response data and the general message are transmitted in a response e-mail message to the sender of the e-mail message, (col. 11, lines 63-67, and col. 12, lines 1-11).

7) In considering claim 9, Hussey teaches the general message being an error message. See col. 11, lines 63-67.

8) In considering claim 10, Hussey teaches transmitting the email message to a functional email address. See col. 8, lines 16-30.

9) In considering claim 13, Hussey teaches receiving a record address message from the gateway system addressed to a record address, and replying to the record address message. See col. 11, lines 38-54.

10) In considering claim 15, Hussey teaches the email message including an external email account identifier and the response data including one or more external email account messages. See col. 12, lines 1-11.

Claim Rejections - 35 USC § 103

1) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claims 4, 5, 16, 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hussey in view Salo et al. (hereinafter Salo), U.S. patent 6,609,148.

3) In considering claims 4 and 5, although the disclosed system of Hussey shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) A contact management system, or a calendar system.

Nevertheless, contact managements systems and calendar systems were well known in the art at the time of the present invention. In a similar field of endeavor, Salo demonstrates this. In particular, Salo teaches a system for remotely accessing an enterprise gateway server comprising:

- a) Remotely accessing a gateway server that implements calendar, or contact management applications, (col. 12, lines 11-19).

Thus, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Hussey in order to show a contact management system, or calendar system coupled to the reply system, the contact management or calendar system providing one or more fields to the reply system, and the reply system incorporating one or more fields from the contact management or calendar system into the response message. This would have provided an efficient means for remotely managing a contact list or a calendar, Hussey, col. 3, lines 29-32.

4) In considering claims 16, and 17, the methods taught in claims 4 and 5, provide a means for the email message to include a calendar and contact identifier, and the response data to include one or more calendar and contact data fields. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Hussey to show the email message including a calendar and contact identifier, and the response data including one or more calendar and contact data fields for the same reasons indicated in consideration of claims 4, and 5.

5) Claim 6, is rejected under 35 U.S.C. 103(a) as being unpatentable over Hussey in view Wong, U.S. patent 6,185,288.

6) In considering claim 6, although the disclosed system of Hussey shows substantial features of the claimed invention, it fails to explicitly disclose:

a) A movie system.

Nevertheless, movie systems were well known in the art at the time of the present invention. In a similar field of endeavor, Wong demonstrates this. In particular, Wong teaches a system for performing call signaling comprising:

a) An agent for replying to a request for a movie and initiating downloading of the movie, (col. 8, lines 43-55).

Thus, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Hussey in order to show a movie system coupled to the reply system, the movie system providing one or more fields to the reply system, and the reply system incorporating one or more fields from the movie system into the response message. This would have provided an efficient means for ordering movies by way of email, Hussey, col. 3, lines 29-32.

7) Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hussey in view Wright et al. (hereinafter Wright), U.S. patent 5,426,594.

8) In considering claim 7, although the disclosed system of Hussey shows substantial features of the claimed invention, it fails to explicitly disclose:

a) A sales system.

Nevertheless, sales systems were well known in the art at the time of the present invention. In a similar field of endeavor, Wright demonstrates this. In particular, Wright teaches an electronic greeting card communication system comprising:

a) A sales system 138, coupled to a reply system 130, (col. 5, lines 4-9).

Thus, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Hussey in order to show a sales system coupled to the reply system, the sales system extracting purchase request data from the email message and generating sales authorization data. This would have provided an efficient means for purchasing items by way of email, Hussey, col. 3, lines 29-32.

9) Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hussey in view of Kane, U.S. patent 5,487,100.

10) In considering claim 11, although the disclosed system of Hussey shows substantial features of the claimed invention, it fails to explicitly disclose:

a) The email message containing a device identifier.

Nevertheless, email messages containing device identifiers were well known in the art at the time of the present invention. In a similar field of endeavor, Kane demonstrates this. In particular, Kane teaches a system delivering email comprising:

- a) Transmitting an email message containing a device identifier, (col. 5, lines 55-60).

Thus, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Hussey in order to show the email message transmitted to the gateway system containing an authorized device identifier. This would have provided another secure means for identifying the sender of the message by identifying the device that belongs to the sender, Hussey col. 8, lines 25-30.

11) Claims 12, 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hussey.

12) In considering claim 12, although the disclosed system of Hussey shows substantial features of the claimed invention, it fails to expressly disclose:

- a) The email message containing an authorized username field and password field.

Nevertheless, logging into systems, whether remote or local, by means of a username and password was well known in the art at the time of the present invention. Hussey shows this in his discussion of the prior art. In particular, Hussey shows:

- a) A user logging into a network, (col. 2, lines 8-20).

Thus, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Hussey in order to show the email message transmitted to the gateway system containing an authorized username field and password field. This would have

provided yet another secure means for identifying the sender of the message by a method that was well known to those skilled in the art at the time of the present invention, Hussey col. 8, lines 25-30.

13)In considering claim 14, the teachings of Hussey provide a means for replying to the response data with one or more reply data fields, and receiving supplemental response data in response to the reply data fields. See col. 8, lines 16-30, and col. 12, lines 1-11.

14)Claims 18-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hussey in view of DiStefano, III (hereinafter DiStefano), U.S. patent 6,631,400.

15)In considering claim 18, Hussey teaches a method for receiving data using email comprising:

- a) Transmitting a request to a functional e-mail address, (col. 8, lines 16-30);
- b) Receiving data fields in response to the request, and wherein one of the data fields is transmitted in a response email message to the sender of the email message (col. 12, lines 1-11).

Although the disclosed system of Hussey shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) The data being movie data.

Nevertheless, transmitting movie data by email was well known in the art at the time of the present invention. In a similar field of endeavor, DiStefano demonstrates this. In particular, DiStefano teaches a method for managing bulk email distribution comprising:

- a) Transmitting movie data by email, (col. 3, lines 51-67, col. 4, lines 1-7).

Thus, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Hussey in order to show the data being movie data. This would have provided an efficient means for receiving movie data by way of email, Hussey, col. 3, lines 29-32.

16) In considering claim 19, data such as location data, theater data, title data, and showtime data, are typical data types requested when requesting movie data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the present invention to modify the teachings of Hussey to show the transmitted movie request data including one or more of the group comprised of location data, theater data, title data, and showtime data, for the same reasons as indicated in consideration of claim 18.

17) In considering claim 20, the teachings of Hussey further provide a means for receiving an e-mail message that includes one or more movie titles and an associated number, replying to the e-mail message with one or more of the associated numbers, and receiving an e-mail message that includes one or more showtimes for the movie

titles corresponding to the one or more associated numbers. See col. 8, lines 16-30, and col. 12, lines 1-11.

18) In considering claim 21, the teachings of Hussey further provide a means for transmitting a ticket purchase request in response to the one or more movie data fields, and receiving purchase confirmation data. See col. 8, lines 16-30, and col. 12, lines 1-11.

Conclusion

1) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hussey, U.S. patent 5,826,269 discloses a method for allowing a user to access data using e-mail.

Salo et al., U.S. patent 6,609,148 discloses accessing a remote calendar and contact management system.

Wong, U.S. patent 6,185,288 discloses a remote movie system.

Wright et al., U.S. patent 5,426,594 discloses a remote sales system.

Kane, U.S. patent 5,487,100 discloses an email delivery system that includes device identifiers in the email message.


DiStefano, U.S. patent 6,631,400 discloses distribution of movie information via email.

2) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (703) 308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/
8/5/04


ZARNI MAUNG
PRIMARY EXAMINER